

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JUSTIN GARDNER,)	
)	
Petitioner,)	8:18CV46
)	
v.)	
)	
STATE OF NEBRASKA,)	ORDER
)	
Respondent.)	
_____)	

This matter is before the court on Petitioner's Motion for Leave to Appeal in Forma Pauperis (Filing No. 41). Petitioner filed a Notice of Appeal on August 27, 2018 (Filing No. 39). Petitioner appeals from the court's Judgment dated August 21, 2018 (Filing No. 33). Upon review of Petitioner's Motion for Leave to Appeal in Forma Pauperis, the court finds Petitioner is entitled to proceed in forma pauperis on appeal.

IT IS ORDERED that:

1. Petitioner's Motion for Leave to Appeal in Forma Pauperis (Filing No. 41) is granted.
2. The clerk's office is directed to provide the Eighth Circuit Court of Appeals with a copy of this order.
3. The Petitioner's motion for evidentiary hearing (filing no. 40) is denied.

DATED this 28th day of August, 2018.

BY THE COURT:
s/ Richard G. Kopf
Senior United States District Judge